

REMARKS

The Office Action of May 3, 2005 considered claims 1-7, 36, 42, and 48-57. The Office Action withdrew claims 48-57 from consideration as being directed to a non-elected invention. Claims 48-57 are hereby cancelled. New claims 58-69 are added. Claims 58-59 depend from
5 claim 1. Claims 60- 69 are directed to "a method of operating a wireless transmitter to wirelessly transmit a data packet on a variable rate channel to a receiver," as is pending claim 1. Thus, new claims 60-69 are drawn to the "operation of a wireless transmitter," classified in class 370, subclass 328, as is pending claim 1. Claims 60-69 are therefore directed to the elected invention and must be examined under MPEP Section 802.

10 Claims 1-7, 36, and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Anders Nystrom et al. (U.S. 6,189,123, "Anders Nystrom") in view of Izumi et al. (EP 0 964 534 A1). Claims 1, 2, 3, 36, and 42 have been amended in response thereto. Amended independent claims 1, 36, and 42 include limitations relating to retransmissions having both differing coding rates and data transmission rates. These elements are not taught by the combination of Anders
15 Nystrom and Isumi et al. For these reasons, claims 1, 2, 3, 36, and 42 are not rendered obvious by this combination of prior art references.

New claims 60-69 are directed to wireless transmission in which coding and automatic retransmission operations using variable bit rates, variable coding rates, and differing parity bits is employed. New claims 60-69 include two independent claims and 10 total claims. New
20 claims 58-59 are dependent from claim 1. Thus, no new claim fees are due. All claims are now allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney.

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Respectfully submitted,

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